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November 1, 2022

Hon. Sarah L. Cave
United States Magistrate Judge
Southern District of New York
500 Pearl Street, Room 702
New York, New York 10007

The Court will issue a Report & Recommendation to the
Honorable Paul A. Engelmayer in due course.

SO ORDERED 11/02/2022


SARAH L. CAVE
United States Magistrate Judge

Re: **George Fay v. Anthony J. Annucci, et al**
20 cv. 00187 (PAE) (SLC)

Dear Judge Cave:

The referenced petition pursuant to 28 U.S.C. §2254 was filed on January 9, 2020. Almost a year and a half later, on May 5, 2021, in response to a request for a status update, your Honor indicated that a Report and Recommendation would be issued “in due course.”

Nine months later, on February 3, 2022, in response to another request for a status update, you again indicated that an R and R would be issued “in due course.” At this point in time, following the passage of another eight months, there has still been no disposition. I am mindful that the pandemic may have added to the delay but, notwithstanding, further delay will be unduly burdensome.

I respectfully submit that this delay is inherently unfair to Mr. Fay, who has bona fide issues supporting his petition. If there is to be a recommendation for a denial, so be it. But at least there would be movement and he would be positioned to pursue further remedies. Again, therefore, at the continued insistence of my client and his family, and consonant with the provisions of 28 U.S.C. § 2243 (“the Court shall summarily hear and determine the facts, and dispose of the matter as law and justice require.”), I am duty bound to again renew Petitioner’s request for an updated status report.

Respectfully submitted,

s/ Mark M. Baker
MARK M. BAKER
MB5365

cc: Nikki Kowalski, Esq. (Via ECF)